



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,225	08/08/2001	Dale Richard McBride	11909/301	9868

26749 7590 01/15/2002

MONIKA J. HUSSELL
1600 LAIDLEY TOWER- SUITE 1700
500 LEE STREET
CHARLESTON, WV 25301

EXAMINER

BUI, THACH H

ART UNIT

PAPER NUMBER

3754

DATE MAILED: 01/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/682,225

Applicant(s)

MCBRIDE, DALE RICHARD

Examiner

Thach H Bui

Art Unit

3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.

- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

Applicant's prior art citation filed June August 13, 2001 has been received, considered and placed of record.

Specification

The abstract of the disclosure is objected to because it is too long. An abstract should contain 150 words or less. Correction is required. See MPEP § 608.01(b).

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "said female disconnect", "male disconnect" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 3754

The claims are replete with informalities too numerous to mention specifically. The following noted informalities are merely exemplary thereof. The claims should be revised to conform to U.S. Patent Office practice.

Claim 1 is vague and indefinite because the phrase "a flexible diaphragm extending continuously from a portion of the interior layer of said bladder" recited in lines 4-5, is unclear.

Claim 1 is vague and indefinite because the phrase "said diaphragm defining first and second ends of the bladder" recited in lines 5-6, is unclear. How?

Claim 3 is vague and indefinite because the phrase "the diaphragm is substantially the same shape and size as the second end of the bladder" recited in lines 1-2, is unclear.

Claim 4 is vague and indefinite because it is unclear. The claim is to be written in "full, clear, concise, and exact terms." The claim is replete with terms which are not clear, concise and exact. See claim 5 for the same informality.

Claim 6 is vague and indefinite because the phrase "the bladder is manufactured substantially from neoprene" recited in line 2 of page 13- line 1 of page 14, is unclear. Does it manufactured by neoprene or not? See claim 8 for the same informality.

Claim 9 is vague and indefinite because there is no clear or proper antecedent basis for "at a first angle", "at a second angle" recited in lines 3-4.

Claim 13 is vague and indefinite because there is no clear or proper antecedent basis for "male quick disconnect" recited in line 3.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-19 are, as best understood, rejected under 35 U.S.C. 102(b) as being anticipated by Richter et al.

Richter et al. discloses a storage system comprising a flexible, collapsible bladder (see Figures 2 and 3) having at least one interior layer and one exterior layer. The device includes a flexible diaphragm (see Figure 6) having first and second ends. The device comprises a means to inject and release compressed air to and from the first end of the bladder (38), and a means to inject and expel liquids to and from the second end of the bladder (60). The bladder is cylindrical in shape (see Figure 1). The device includes a portable air compressor/pump (162). Method followed by an apparatus.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sancoff et al., Osokin et al., Clark, II, and Yavorsky are cited of general interest.

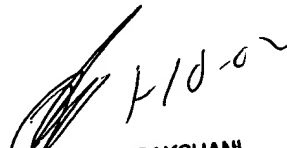
Art Unit: 3754

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thach H Bui whose telephone number is 703-305-0063. The examiner can normally be reached on Monday-Friday, 7:30-4 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Yuen can be reached on 703-308-1148. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7766 for regular communications and 703-308-7766 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

T.B
January 7, 2002


PHILIPPE DERAKSHANI
PRIMARY EXAMINER